

**REMARKS**

**Status of Claims:**

Claims 17-18 are cancelled. New claims 19-22 are added. Thus, claims 1-16 and 19-22 are present for examination.

**Acknowledgement of Claim for Foreign Priority:**

The Examiner did not mark boxes 12), 12) a), or 12) a) 1 of the Office Action Summary to acknowledge the claim for foreign priority and to acknowledge that all of the certified copies of the priority documents have been received in the present case.

Accordingly, applicant requests that the Examiner acknowledge the claim for foreign priority and acknowledge receipt of the certified copy of the priority document filed on July 13, 2001.

**Information Disclosure Statement:**

The Examiner stated that the information disclosure statement filed on July 13, 2001, fails to comply with the provisions of 37 CFR 1.97, 1.98, and MPEP § 609, because no English abstract was submitted for the documents listed. The Examiner also stated that the IDS has been placed in the application file, but the information referred to therein has not been considered as to the merits.

Applicant respectfully traverses the decision by the Examiner to not consider the information referred to in the IDS filed on July 13, 2001.

The IDS filed on July 13, 2001, referred to the following two documents: (i) JP 2000-040161; and (ii) JP 2000-040088. The Examiner stated that no English abstract was submitted for the documents listed. However, the IDS filed on July 13, 2001, did include an English abstract for each of the listed documents. Also, both of the documents referred to in the IDS were mentioned in the specification of the present application on pages 1 and 2.

Accordingly, the IDS filed on July 13, 2001, complies with the provisions of 37 CFR 1.97, 1.98, and MPEP § 609 and, thus, the information referred to therein should be considered as to the merits.

**Specification:**

The specification has been amended to correct a minor informality.

**Claim Rejection under 35 U.S.C. 112:**

Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 17-18 have been cancelled.

With respect to claims 1-16, as amended, the rejection is respectfully traversed.

With respect to claims 1, 5, 10, 12, and 14, the Examiner objected to the recitation of the term “and/or”. The claims have been amended and no longer recite the term “and/or”.

With respect to claim 4, the Examiner questioned the recitation of the limitation “memory stores ... movement of an image of the item”. Claim 4 has now been amended to recite that “said memory is configured to store, as the data related to the advertisement, model data of the real item to be advertised and outline data indicating a type of the real item and a desired movement of the three-dimensional advertisement image within the three-dimensional virtual space”.

With respect to claim 5, the Examiner stated that the correlation between music and voice data is unclear. Claim 5 has been amended to replace “voice” with “audio”.

Therefore, claims 1-16, as amended, are believed to be in compliance with the requirements of 35 U.S.C. 112, second paragraph.

**Claim Rejection under 35 U.S.C. 101:**

Claims 17 and 18 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 17 and 18 have been cancelled and, thus, the rejection is moot.

**Claim Rejection under 35 U.S.C. 102:**

Claims 1-4, 6, 9-11, 13-15, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Heckel (U.S. Patent No. 6,036,601).

Claim 18 has been cancelled.

With respect to claims 1-4, 6, 9-11, and 13-15, as amended, the rejection is respectfully traversed.

Independent claim 1, as amended, recites a three-dimensional advertisement system, comprising:

“a server for sending an instruction to at least one client through a network to instruct the at least one client to show an advertisement; and

said at least one client for displaying a three-dimensional virtual space, and for showing a three-dimensional advertisement image as moving within the three-dimensional virtual space in accordance with the instruction sent from said server through said network;

wherein **the three-dimensional advertisement image is a three-dimensional virtual model of a real item to be advertised;** and

wherein the at least one client is configured to move the three-dimensional advertisement image within the three-dimensional virtual space by **changing a position of the three-dimensional advertisement image within the three-dimensional virtual space.**” (Emphasis Added).

A three-dimensional advertisement system including the above-quoted features has at least the advantages that: (i) at least one client allows for displaying a three-dimensional virtual space, and for showing a three-dimensional advertisement image as moving within the three-dimensional virtual space in accordance with an instruction sent from a server through a

network; (ii) **the three-dimensional advertisement image is a three-dimensional virtual model of a real item to be advertised**; and (iii) the at least one client is configured to move the three-dimensional advertisement image within the three-dimensional virtual space by **changing a position of the three-dimensional advertisement image within the three-dimensional virtual space**. (Specification; page 1, lines 10-17; page 7, line 27 to page 8, line 4; page 17, line 5 to page 18, line 6; FIGs. 1, 2, 3, 4B, 6C, 9A, and 9B).

Heckel neither discloses nor suggests a three-dimensional advertisement system including the above-quoted features.

Heckel neither discloses nor suggests at least one client that is configured to move a three-dimensional advertisement image within a three-dimensional virtual space by **changing a position of the three-dimensional advertisement image within the three-dimensional virtual space**. The Examiner states that, in the system of Heckel, “[a]s the user avatar moves within the virtual world, the advertisements **appear** to move.” (Office Action; page 4) (Emphasis Added). However, the movement of the avatar in the system of Heckel does **not** cause a change in a position of the advertisements within the virtual world. Rather, in the system of Heckel, when the avatar moves, only the position of the avatar within the virtual world changes, and there is no change in a position of an advertisement within the virtual world due to the movement of the avatar. (Heckel; column 2, lines 46-56; column 4, line 59 to column 5, line 5).

The Examiner points to the video clips displayed in the system of Heckel and states that, “video clip advertisements have movement embedded in them”. (Office Action; page 4). However, video clips are **not three-dimensional** advertisement images, but rather are **two dimensional** videos. Also, video clips are **not a three-dimensional virtual model** of a real item to be advertised. Thus, Heckel neither discloses nor suggests at least one client that is configured to move a three-dimensional advertisement image within a three-dimensional virtual space by **changing a position of the three-dimensional advertisement image within the three-dimensional virtual space**.

Therefore, independent claim 1, as amended, is neither disclosed nor suggested by the Heckel reference and, hence, is believed to be allowable. Because they depend from independent claim 1, dependent claims 2-4 and 6 are believed to be allowable for at least the same reasons that independent claim 1 is believed to be allowable.

Independent claim 9 recites a three-dimensional advertisement display device with features similar to features of at least one client of a three-dimensional advertisement system of independent claim 1. Therefore, independent claim 9 is believed to be allowable for at least the same reasons provided above with respect to independent claim 1. Because they depend from independent claim 9, dependent claims 10-11 are believed to be allowable for at least the same reasons that independent claim 9 is believed to be allowable.

Independent claim 13 recites a method for displaying a three-dimensional advertisement image with features similar to features of a three-dimensional advertisement system of independent claim 1 and, thus, is believed to be allowable for at least the same reasons that independent claim 1 is believed to be allowable. Because they depend from independent claim 13, dependent claims 14-15 are believed to be allowable for at least the same reasons that independent claim 13 is believed to be allowable.

**Claim Rejections under 35 U.S.C. 103:**

Claims 5 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heckel (U.S. Patent No. 6,036,601) in view of Kusumoto et al. (U.S. Patent No. 6,954,728) (hereinafter Kusumoto).

Claims 7, 8, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heckel in view of Hunter (U.S. Patent Application Pub. No. 2002/0156858).

Claim 17 has been cancelled.

With respect to claims 5, 7, 8, 12, and 16, as amended, the rejections are respectfully traversed.

In should be noted that applicant claims priority to Japanese priority document 2000-214626. JP '626 was filed on July 14, 2000, and, thus, antedates the filing date of the Kusumoto reference of September 29, 2000. The Kusumoto reference claims priority to U.S. Provisional App. No. 60/204,179, filed on May 15, 2000 (hereinafter Kusumoto Provisional). Accordingly, only the subject matter of the Kusumoto Provisional reference is prior art with respect to applicant's claims. For convenience, because the portion of the Kusumoto reference cited by the Examiner, namely column 6, lines 50-55, is also found in the Kusumoto Provisional reference, the Kusumoto reference will be referred to in the present reply.

Dependent claim 5 depends from independent claim 1 and, thus, is neither disclosed nor suggested by the Heckel reference for at least the same reasons that independent claim 1 is neither disclosed nor suggested by the Heckel reference. Dependent claim 12 depends from independent claim 9 and, thus, is neither disclosed nor suggested by the Heckel reference for at least the same reasons that independent claim 9 is neither disclosed nor suggested by the Heckel reference. Furthermore, Kusumoto does not cure the deficiencies with respect to the teaching of Heckel noted above. Kusumoto only discloses two-dimensional advertisements that are texture mapped onto an avatar body, where an advertisement image in Kusumoto is not a three-dimensional virtual model of a real item to be advertised. (Kusumoto; column 6, lines 50-55).

Therefore, claims 5 and 12 are neither disclosed nor suggested by the Heckel and Kusumoto references and, hence, are believed to be allowable. The Patent Office has not made out a *prima facie* case of obviousness under 35 U.S.C. 103.

Dependent claim 7 depends from independent claim 1 and, thus, is neither disclosed nor suggested by the Heckel reference for at least the same reasons that independent claim 1 is neither disclosed nor suggested by the Heckel reference. Independent claim 8 recites a three-dimensional advertising server with a feature that, "the three-dimensional advertising server is configured to generate the signal so as to specify that the at least one client is to move the three-dimensional advertisement image within the three-dimensional virtual space by changing a position of the three-dimensional advertisement image within the three-dimensional virtual space." Such a feature is neither disclosed nor suggested in the Heckel

reference. Dependent claim 16 depends from independent claim 13 and, thus, is neither disclosed nor suggested by the Heckel reference for at least the same reasons that independent claim 13 is neither disclosed nor suggested by the Heckel reference. Furthermore, Hunter does not cure the deficiencies with respect to the teaching of Heckel noted above. The system of Hunter does not even display advertisements in a three-dimensional virtual space. (Hunter; abstract).

Therefore, claims 7, 8, and 16 are neither disclosed nor suggested by the Heckel and Hunter references and, hence, are believed to be allowable. The Patent Office has not made out a *prima facie* case of obviousness under 35 U.S.C. 103.

New claims 19-22 recite features that are not found in any of the Heckel, Kusumoto, and Hunter references.

**Conclusion:**

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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